

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

AETNA LIFE INSURANCE CO., §  
§ JURY DEMANDED  
Plaintiff, §  
§  
VS. § CIVIL ACTION  
§  
HUMBLE SURGICAL HOSPITAL § NO. 4:12-cv-1206  
LLC, §  
§  
Defendant. §

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**AETNA'S NOTICE OF HUMBLE'S CONTINUING ITS FRAUD  
THROUGH GRAND TEXAS SURGERY CENTER**

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1. The owners of Humble Surgical Hospital LLC ("Humble") have *created* a new entity through which it has attempted to continue its fraud on Aetna. Grand Texas Surgery Center, PLLC is registered with the Texas Secretary of State as a provider of surgical services. *See Exhibit A.*<sup>1</sup> Yet, it does not have a license from the State of Texas to operate as a hospital.

2. Despite its lack of a hospital license, Grand Texas Surgery Center has submitted bills with its own Tax Identification Number ("TIN") and Provider Identification Number ("PIN") to Aetna. *See, e.g.*, Exhibit C. Grand Texas Surgery Center billed as the provider of services, using Humble's address for the place where the services were provided.<sup>2</sup> Grand Texas Surgery Center's purported "staff" who confirmed the billing is in fact the same staff who works

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<sup>1</sup> Its registered agent is K&S Consulting, LLC. *Id.* Dr. Kibrigie, the majority owner of Humble, owns K&S Consulting. *See* Transcript of October 24th Hearing at 57-58, attached as Exhibit B. Grand Texas Surgery Center named as its managing member is one of the members of Humble, Dr. Ifeolumipo Sofola. *Compare* Exhibit A with DKT#159-14 (ownership chart of Humble Surgical Hospital).

<sup>2</sup> Grand Texas' Surgery Center's practice location is 1475 FM 1960 Bypass Road East, Humble, Texas 77338. *See* Exhibit C. Humble's address is at this same location. *See* DKT#1¶2 (Aetna's complaint); DKT#23 ¶2 (Humble's Answer admitting Aetna's allegations regarding Humble's address). Grand Texas Surgery Center also apparently billed some services using its own TIN but on "behalf" of Humble as the provider of the services. *See, e.g.*, Exhibit D.

for Humble. On or about September 30, 2014, that staff person represented to Aetna that Grand Texas Surgery Center is a separate hospital from Humble. *See Exhibit E.* Pictures taken of the address confirm that the only hospital or entity operating at the address is Humble. *See Exhibit F.*

3. In reality, there is no Grand Texas Surgery Center operating as a separate and distinct hospital. Instead, it is nothing more than a paper entity that Humble's owners created to bill Aetna under a different TIN and PIN because Aetna stopped making payments to Humble.

4. On October 24, 2013, Aetna learned in this litigation from the testimony of Humble's CEO and majority owner, Dr. Kibrigie, that Humble had entered into contracts with over 100 referring physicians, paying them a 30% kickback of its facility fees for their referral of patients to Humble. Aetna notified its members and the referring physicians that it would no longer pay for services performed at Humble because this scheme violated Texas law. *See DKT#156* (Aetna's Notice of Status informing the court that it would deny all claims based on this information). Once Aetna notified its members that services at Humble would no longer be covered, Aetna members began using other facilities and Humble suffered a dramatic decrease in its business. *See* Humble's Notice of Violation of Confidentiality Order, Motion to Lift Stay for the Limited Purpose of Allowing HSH to Seek Relief, and Motion for Relief at 4-6 (DKT#166).

5. Humble must be stopped from continuing its fraudulent billing practices. Aetna therefore urges this Court to grant its motions for judgment or cross-motion for summary judgment at its earliest possible convenience and hold a hearing as it determines is necessary.

Respectfully submitted,

**ANDREWS KURTH LLP**

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**ATTORNEYS FOR PLAINTIFF AETNA LIFE  
INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

On November 6, 2014, counsel for Aetna electronically filed the forgoing document with the clerk of the court for the U.S. District Court, Southern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Dena Palermo  
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